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ILLINOIS COMMERCE  
COMMISSION

Nov 21 4 37 PM '00

STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION

TRANSPORTATION DIV.

THE DEPARTMENT OF TRANSPORTATION )  
OF THE STATE OF ILLINOIS, for and in )  
behalf of the People of the State of Illinois, )

Petitioner, )

vs. )

UNION PACIFIC RAILROAD COMPANY, )

Respondent. )

No. 00-T- 00-0108

(Parcel 6258152PE)

PETITION FOR APPROVAL TO TAKE PROPERTY

NOW COMES THE DEPARTMENT OF TRANSPORTATION OF THE STATE OF ILLINOIS, Petitioner, by JAMES E. RYAN, ATTORNEY GENERAL and STANLEY L. MORRIS, Special Assistant Attorney General, and for its Petition for Approval to Take Property states:

1. Petitioner has engaged in the construction, operation and maintenance of FAP Route 325 (IL 16), a State highway under the control and jurisdiction of Petitioner, in Montgomery County, Illinois, under and by virtue of the Illinois Highway Code (605 ILCS 5/2-101 through 5/2-220 and 5/4-101 through 5/4-511). The lands and premises hereinafter described and legally described as set out in Exhibit "A" which is attached hereto and incorporated by this

reference, are required to construct and maintain a storm sewer as a part of Petitioner's proposed widening and resurfacing Illinois Route 16 from the Union Pacific Railroad in Hillsboro to Miller Street in Schram City (hereafter the "Project").

2. Respondent, Union Pacific Railroad Company, is a rail carrier as defined in the Illinois Commercial Transportation Law (625 ILCS 5/18c-7101 et seq.), is engaged as a common carrier by railroad within Illinois and is subject to the jurisdiction of the Illinois Commerce Commission.
3. The land, rights, and other property hereinafter described are private property and the Respondent appears to own, have an interest in, or claim to have some interest therein.
3. The Project is a public work, is for public use and constitutes a public purpose, namely the improvement of FAP Route 325 (IL 16), in Montgomery County, Illinois; it is in the public convenience and necessity that the Petitioner have and acquire a permanent easement in Parcel 6258152PE, more particularly described in Exhibit "A" attached hereto.
5. The compensation to be paid by the Petitioner to the Respondent for this parcel or the interest therein or the form of conveyance cannot be agreed upon between the Petitioner and the Respondent and the Petitioner, therefore, is authorized, subject to the initial approval of the Illinois Commerce Commission, to proceed to acquire said lands, rights or other property through

the exercise of the right of eminent domain under the Eminent Domain of the  
Laws of Illinois.

WHEREFORE, Petitioner prays the Illinois Commerce Commission enter an Order  
authorizing Petitioner to proceed with an action in eminent domain to acquire from  
Respondent, Union Pacific Railroad Company, a permanent easement in Parcel 6258152PE,  
more particularly described in Exhibit "A", all in accordance with Article VII (735 ILCS 5/7-  
101 through 5/7-129) of the Illinois Code of Civil Procedure.

THE DEPARTMENT OF  
TRANSPORTATION,  
STATE OF ILLINOIS, Petitioner

JAMES E. RYAN, ATTORNEY GENERAL

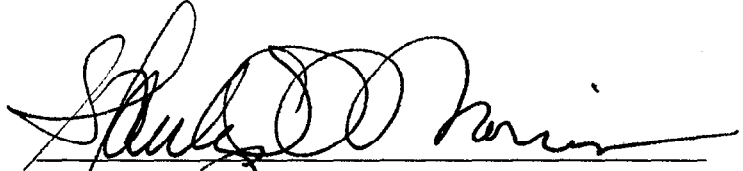
By 

Stanley L. Morris, Special  
Assistant Attorney General


Stanley L. Morris  
Special Assistant Attorney General  
3 North Old State Capitol Plaza  
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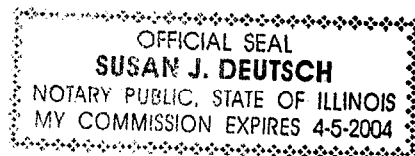
STATE OF ILLINOIS                    )  
  )     SS  
COUNTY OF SANGAMON            )

I, STANLEY L. MORRIS, of lawful age and being first duly sworn, depose and say that I am a Special Assistant Attorney General for the State of Illinois, that I have read the above and foregoing Petition by me subscribed, have knowledge of the contents thereof and that on information and belief said contents are true in substance and in fact.

  
STANLEY L. MORRIS  
Special Assistant Attorney General

Subscribed and sworn to before me, a Notary Public, this 21st day of November, 2000.

  
Notary Public



**PROOF OF SERVICE**

The undersigned certifies that on Nov. 21, 2000, a copy of the foregoing document was deposited in the U.S. Mail, with postage prepaid, at Springfield, Illinois, plainly addressed to:

CT Corporation  
208 South LaSalle Street  
Chicago, Illinois 60604

Mr. Dean Jackson  
522 East Monroe Street  
Suite 306  
Springfield, Illinois 62701

Mr. Roy Farwell  
210 North 13<sup>th</sup> Street  
Room 2000  
St. Louis, MO 63101-2388

Susan J. Deutch

STATE OF ILLINOIS  
DEPARTMENT OF TRANSPORTATION  
DIVISION OF HIGHWAYS

FA Route 325 (IL 16)  
Section 20RS-4  
Job No. R-96-025-98  
Montgomery County  
Parcel 6258152

A part of the Northeast Quarter of Section 12, Township 8 North, Range 4 West of the Third Principal Meridian and part of the Northwest Quarter of Section 7, Township 8 North, Range 3 West of the Third Principal Meridian, Montgomery County, Illinois, being more particularly described as:

Commencing at an iron pin at the Northeast Quarter of Section 12, Township 8 North, Range 4 West of the Third Principal Meridian, thence South 0 degree 34 minutes 15 second East along the East line of said Northeast Quarter of Section 12, a distance of 161.388 meters (529.49 feet) to a point on the Westerly Right-of-Way line of the Union Pacific Railroad; thence South 30 degrees 27 minutes 48 seconds West along said Westerly Right-of-Way line 71.781 meters (235.50 feet) to a point, said point being the point of beginning: thence South 72 degrees 46 minutes 19 seconds East 62.625 meters (205.46 feet) to a point on the Easterly Right-of-Way line of the Union Pacific Railroad; thence South 30 degrees 27 minutes 48 seconds West along said Easterly Right-of-Way line 6.263 meters (20.55 feet); thence North 72 degrees 46 minutes 19 seconds West 62.625 meters (205.46 feet) to a point on the Westerly Right-of-Way line of the Union Pacific Railroad; thence North 30 degrees 27 minutes 48 seconds East along said westerly Right-of-Way line 6.263 metes (20.55 feet) to the point of beginning. Containing 0.0380 hectares (0.094 acres) more or less.

EXHIBIT

A